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C O N F I D E N T I A L SECTION 01 OF 02 FREETOWN 000231

SENSITIVE
SIPDIS

DEPARTMENT FOR AF/W (JHUNTER)

E.O. 12958: DECL: 06/19/2019
TAGS: PGOV PREL KJUS KCRM SL
SUBJECT: STUDENTS TO BE CHARGED WITH MURDER IN FBC HAZING
CASE

Classified By: Political Officer Amy LeMar for reasons 1.4 (b/d)

¶1. (SBU) Summary: On June 12 the Magistrate Court conducting the preliminary investigations into the death of an eighteen year old freshman in the Faculty of Arts Fourah Bay College found all ten accused guilty of murder, rather than manslaughter. The defendants must now face official murder charges in the High Court. The student, Mohamad Gamanga, died in December 2008 during a fraternity hazing ritual, resulting in the shut-down of all social clubs on college campuses and media speculation about "cult practices" by the clubs. This case has been pending in the Magistrate Court for months, with numerous delays that were alleged to be due to political pressure. Though the movement to the High Court and the increased seriousness of the charges appears bleak, it could be part of a larger strategy to exonerate the charged students: murder charges are notoriously difficult to prove, while continuing a manslaughter case would likely have resulted in findings of guilt. End Summary.

BACKGROUND

¶2. (SBU) Fraternities and social clubs are common on college campuses across the country and they range from socio-political to purely social agendas. Most of the young lawyers and Members of Parliament who studied in the country were members of such fraternities, and bristle at criticism and mis-labeling of their activities as "cult-like." The student was beaten to death during an initiation hazing ceremony that allegedly had no occult-like undertones.

¶3. (U) In the immediate aftermath of the student's death, the Sierra Leone Police issued warrants for more than 20 fraternity members. Half of those students fled the country, while the others were arrested, charged with manslaughter, and denied bail. The accused have generally had positive support from the public, who appear to feel that this was a ceremony gone horribly wrong, with no intent to kill. While members of various clubs have admitted that initiation rites have escalated over the years in terms of type and severity of activities (Note: Most involve excessive use of alcohol, forced exercise, and violence. End Note), many were angered when the President ordered the clubs' immediate closures because of their role in the social fabric of tertiary institutions here.

LEGAL LANDSCAPE

¶4. (SBU) The magistrate, Steven Conteh, had delayed his ruling on three separate occasions, citing the complexity of the case and the need for careful deliberation. Such delays are unusual at the Magistrate Court level, and rumors circulated that he was under pressure to drop the charges

against the accused. These delays are not the first to plague the proceedings: the case was slow to start because the Public Prosecutor failed to appear in court on multiple occasions, allegedly due to illness, and then wasted weeks before bringing forward witnesses. There was speculation that the Department of Public Prosecutions (DPP) was pressured by various parties to delay and/or mount a weak case.

¶15. (C) Rumors also persisted that the DPP was deliberately throwing the Magistrate-level case off-course to force its elevation to the High Court. Given that the High Court only hears the most serious criminal cases, movement to their jurisdiction would also force the charges to be changed from manslaughter to murder. Contacts within the legal community informed PolAsst that the students are likely guilty of manslaughter, but that making murder charges stick will be nearly impossible. The students face the gallows now that Conteh has moved the case to the High Court, but this is probably their best chance for a total dismissal of the charges.

COMMENT

¶16. (C) This case has sparked national interest because of passionate loyalty to the clubs and fraternities that open professional and social doors to students post-graduation. Public opinion suggests that many would be open to greater oversight for the clubs, but that closing them outright is too severe a response to this unfortunate situation. The media's attempt to sensationalize the story by suggesting

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that the clubs are cults has generally failed to inflame the population. The most disturbing element of this case, besides the tragedy of Mohamed Gumanga's death, is what appears to be strategic exploitation of the legal system for an innocent verdict. From the evidence presented, at least some of the students are guilty of manslaughter, but will likely escape a life behind bars because of whatever pressure was brought to bear on the judiciary. Given post's awareness of behind the scenes manipulation related to other cases, including the much-publicized cocaine case, this demonstrates that the Sierra Leonean legal system is still immature and prone to abuse. End Comment.

FEDZER